

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

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**MAR 2 1999**

**PATRICK FISHER**  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JACK DAVID COX,

Defendant-Appellant.

No. 98-5123  
(D.C. No. 96-CV-876-E)  
(N.D. Okla.)

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**ORDER AND JUDGMENT\***

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Before **SEYMOUR**, Chief Judge, **BALDOCK** and **HENRY**, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

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\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, or collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Jack David Cox filed a petition under 28 U.S.C. § 2255 claiming that he was denied his Sixth Amendment right to effective assistance of counsel in his 1994 criminal trial. The district court denied the petition. Mr. Cox asks us to grant a certificate of appealability and reverse.

After review of the record in this case and the arguments set forth by petitioner, we are persuaded that the district court did not err in its careful and thorough analysis of Mr. Cox's contentions. Substantially for the reasons given by the district court in its Order filed May 28, 1998, we are persuaded Mr. Cox has not "made a substantial showing of the denial of a constitutional right" as required for the issuance of a certificate of appealability, 28 U.S.C. § 2253(c)(2). We therefore **DENY** Mr. Cox's motion for a certificate and **DISMISS** the appeal.

ENTERED FOR THE COURT

Stephanie K. Seymour  
Chief Judge